#41

1001.1020 PATENT

APR 2 2 2002

APR 2 2 2002

EXAMPLE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

John H. VRZALIK

Serial No.: 08/904,121

Filed: July 31, 1997

Title: BARIATRIC BED APPARATUS AND

**METHODS** 

Group Art Unit: 3627

Examiner: LUU, T.

PETITION FOR REVIVAL OF UNINTENTIONALLY ABANDONED APPLICATION

Box DAC Commissioner for Patents Washington, D.C. 20231 RECEIVED
APR 2 4 2002

**OFFICE OF PETITIONS** 

Sir:

Applicant respectfully petitions, under 37 CFR §1.137(b), for revival of the unintentionally abandoned above-captioned application. It is believed that an Appeal Brief was due in this application on or before August 02, 2001.

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR §1.10)

"Express Mail" Mailing Label No.: EV106202030US

Date of Deposit: April 22, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, under 37 CFR §1.10, on the date indicated above and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

4/22/12

pard G. Mal

David A. Hall

Date: Signature of Person Mailing

Printed Name of Person Mailing

04/24/2002 GTEFFERA 00000069 08904121

01 FC:141

1280.00 OP

## REMARKS

This petition is accompanied by a proposed reply, in fulfillment of the requirement of 37 CFR §1.137(b)(1). Applicant is other than a small entity. The Commissioner has been authorized to charge the petition fee required under 37 CFR §1.137(b)(2) and set forth in 37 CFR §1.17(m) to Deposit Account No. 50-0489. The entire delay in prosecution, from the due date for the reply to the filing of this petition and proposed reply, was unintentional. *See* 37 CFR §1.137(b)(3).

In light of all the foregoing, Applicant respectfully requests revival of the unintentionally abandoned above-captioned application in order that its prosecution may be continued.

Respectfully submitted,

Dated:

: 04/22/2002

WAYNE J. COLTON, INC. The Milam Building Suite 1032

115 East Travis Street San Antonio, Texas 78205

Telephone: 210 222 8455 Telecopier: 210 222 8445 Wayne J. Colton Attorney for Applicant

Registration No. 40,962

RECEIVED

APR 2 4 2002

OFFICE OF PETITIONS